

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

PEDRO L. COTTO FIGUEROA,

Plaintiff,

v.

CAROLYN W. COLVIN, Acting  
Commissioner of Social Security,

Defendant.

CASE NO. 2:15-CV-00515-RBL-DWC

REPORT AND RECOMMENDATION  
ON PLAINTIFF'S COMPLAINT

The District Court has referred this action, filed pursuant to 42 U.S.C. § 405(g), to United States Magistrate Judge David W. Christel. Presently before the Court is Defendant's Stipulated Motion for Remand. Dkt. 15.

After reviewing Defendant's Stipulated Motion and the relevant record, the undersigned recommends the Court grant the parties' Motion, and reverse and remand this matter to the Commissioner pursuant to sentence four of 42 U.S.C. § 405(g).

On remand, based on the parties' stipulation, this Court recommends the Administrative Law Judge ("ALJ") hold a *de novo* hearing and issue a new decision. The Court recommends the ALJ be ordered to:

(1) Reevaluate and further develop the medical evidence or record;

- 1 (2) Reevaluate steps two and three of the sequential evaluation process;
- 2 (3) Reevaluate Plaintiff's credibility;
- 3 (4) Reevaluate Plaintiff's residual functional capacity pursuant to SSR 96-8p, and;
- 4 (5) Reevaluate steps four and five of the sequential evaluation process with the assistance
- 5 of a vocational expert, as necessary.

6 The parties agree and the undersigned recommends this Court should consider Plaintiff's  
7 application for attorney's fees and costs pursuant to 28 U.S.C. § 2412(d) and 42 U.S.C. § 406(b)  
8 following proper presentation.

9 Given the facts and the parties' stipulation, the Court recommends the District Judge  
10 immediately approve this Report and Recommendation and order that the case be **REVERSED**  
11 and **REMANDED** pursuant to sentence four of 42 U.S.C. § 405(g).

12 Dated this 21st day of October, 2015.

13 

14 David W. Christel  
15 United States Magistrate Judge  
16  
17  
18  
19  
20  
21  
22  
23  
24